

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050 and 2003 of the Fish and Game Code and to implement, interpret or make specific sections 711, 713, 1050 and 2003, of said Code, proposes to amend section 230, Title 14, California Code of Regulations, relating to the Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

Informative Digest/Policy Statement Overview

Under current regulations, if two or more applicants have requested a permit for a Type A (Event) contest on the same date for a water, the application received first shall be given priority. Type A contests are those events offering prizes totaling more than \$1,000 in value or with more than 50 participants. Type A contests may not exceed three days in duration and no more than one Type A event may be held at any water on the same day for the same game fish category listed in subsection 230(b)(1) Title 14, CCR. Additionally, applications may not be accepted by the Department prior to January 1 of the year preceding the calendar year in which any contest is proposed.

Current regulations allow the first applicant to apply for and receive an almost unlimited number of permits for various waters and dates with no regard for other applicants. This has led to some applicants applying for and receiving a large number of permits with little effort made to conduct the contest. This practice prevents other applicants from holding fishing contests at that particular water on that date and unfairly reduces competition.

In addition, Mr. Mike Kennedy has requested that the date for accepting applications be changed from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed. The January 1 date was changed from July 1 at the request of several sponsors in 1998 by the Fish and Game Commission. The original date was set arbitrarily by the Department and has no resource implications for issuance of fishing contest permits.

The proposed changes would accommodate Mr. Kennedy's requests and change the date for accepting applications from January 1 to July 1 of the year preceding the calendar year in which the contest is proposed; and change the regulation that requires the Department to give priority to the application received first, and provide that the Department shall issue permits to applicants on a first-come first-serve basis or by a lottery or draw conducted by Department personnel.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Monterey Beach Resort Hotel, 2600 Sand Dunes Drive and Highway 1, Monterey, California on Friday, December 6, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 2, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than December 6, 2002, at the hearing in Monterey, CA. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, and all information upon which the proposal is based (rulemaking file), are on file and

available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding address or phone number. Ed Pert, Fisheries Programs Branch, Department of Fish and Game, phone (916) 445-3616, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein. If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The changes are primarily for clarification, and they will have no substantial influence on human activities.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 3, 2002

John M. Duffy
Assistant Executive Director